

## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## MESSAGES FROM THE HOUSE

At 3:12 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 450. An act to ensure economy and efficiency of Federal Government operations by establishing a moratorium on regulatory rulemaking actions, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 20. Concurrent resolution permitting the use of the rotunda of the Capitol for a ceremony to commemorate the days of remembrance of victims of the Holocaust.

## MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 450. An act to ensure economy and efficiency of Federal Government operations by establishing a moratorium on regulatory rulemaking actions, and for other purposes; to the Committee on Governmental Affairs.

The Committee on the Budget was discharged from further consideration of the following measures, which were referred to the Committee on Governmental Affairs for a period not to exceed 30 days.

S. 4. A bill to grant the power to the President to reduce budget authority; and

S. 14. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed cancellations of budget items.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DOMENICI, from the Committee on the Budget, without recommendation with amendments:

S. 4. A bill to grant the power to the President to reduce budget authority (Rept. No. 104-9).

By Mr. DOMENICI, from the Committee on the Budget, without recommendation with an amendment in the nature of a substitute:

S. 14. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed cancellations of budget items (Rept. No. 104-10).

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first

and second time by unanimous consent, and referred as indicated:

By Mr. STEVENS:

S. 475. A bill to authorize a certificate of documentation for the vessel *Lady Hawk*; to the Committee on Commerce, Science, and Transportation.

By Mr. NICKLES (for himself, Mr. CAMPBELL, Mr. INHOFE, Mr. HELMS, Mr. ASHCROFT, and Mrs. HUTCHISON):

S. 476. A bill to amend title 23, United States Code, to eliminate the national maximum speed limit, and for other purposes; to the Committee on Environment and Public Works.

By Mr. KOHL (for himself and Mr. FEINGOLD):

S. 477. A bill to provide for the temporary suspension of the reformulated gasoline requirements under the Clean Air Act in States where bona fide health concerns have been raised until those concerns are appropriately addressed; to the Committee on Environment and Public Works.

By Mr. BREAUX (for himself and Mr. CHAFFEE):

S. 478. A bill to amend the Internal Revenue Code of 1986 to allow the taxable sale or use, without penalty, of dyed diesel fuel with respect to recreational boaters; to the Committee on Finance.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOMENICI (for himself, Mr. EXON, Mr. DOLE, Mr. DASCHLE, Mr. GRASSLEY, Mr. NICKLES, Mr. GRAMM, Mr. BOND, Mr. LOTT, Mr. BROWN, Mr. GORTON, Mr. GREGG, Ms. SNOWE, Mr. ABRAHAM, Mr. FRIST, Mr. HOLLINGS, Mr. JOHNSTON, Mr. LAUTENBERG, Mr. SIMON, Mr. CONRAD, Mr. DODD, Mr. SARBANES, Mrs. BOXER, Mrs. MURRAY, Mr. HATFIELD, and Mr. PACKWOOD):

S. Res. 81. A resolution commending Robert D. Reischauer for his service to the Congress and the Nation; considered and agreed to.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. STEVENS:

S. 475. A bill to authorize a certificate of documentation for the vessel *Lady Hawk*, to the Committee on Commerce, Science, and Transportation.

DOCUMENTATION FOR THE VESSEL "LADY HAWK"

Mr. STEVENS. Mr. President, today I am introducing a bill to provide a certificate of documentation for the vessel *Lady Hawk*, U.S. Official No. 961095.

The *Lady Hawk* is owned by Ms. Joan Dunn of Seldovia, AK.

The vessel was built in Little Falls, MN in 1989.

The first owners of the vessel—a married couple—were thought to be U.S. citizens, and a certificate of documentation for the *Lady Hawk* was issued in June 1990.

In November 1990, Ms. Joan Dunn purchased the *Lady Hawk* from the original owners, with the intent to eventually use it as a charter fishing vessel.

On November 11, 1993, Ms. Dunn received a notice from the Coast Guard

that one of the married couple who originally owned the vessel was in fact a Canadian citizen, and that the certificate of documentation for the *Lady Hawk* was therefore invalid.

The Coast Guard determined that Ms. Dunn was a bona fide purchaser in good faith, and informed her that it was pursuing penalty action against the former owner, but that the certificate of documentation for the *Lady Hawk* was nevertheless invalid.

The bill I am introducing today would grant a Jones Act waiver to Ms. Dunn for the vessel *Lady Hawk*.

Ms. Dunn, through no fault of her own, cannot use this vessel for fishing charters or other coastwise trade without this waiver.

By Mr. NICKLES (for himself, Mr. CAMPBELL, Mr. INHOFE, Mr. HELMS, Mr. ASHCROFT, and Mrs. HUTCHINSON):

S. 476. A bill to amend title 23, United

States Code, to eliminate the national maximum speed limit, and for other purposes; to the Committee on Environment and Public Works.

NATIONAL MAXIMUM SPEED LIMIT REPEAL ACT

Mr. NICKLES. Mr. President, I rise today to introduce the National Maximum Speed Limit Repeal Act of 1995 on behalf of myself and Mr. CAMPBELL. This legislation will return to the States the authority to establish their own speed limits.

The national maximum speed limit allows the Federal Government to penalize States which do not comply with posting and enforcement of speed regulations. The penalties are potentially as high as 10 percent of a State's National Highway System and surface transportation funds. It is also important to note that these highway revenues are generated entirely by the States.

The 55 mph speed limit law, which was amended to allow for a 65 mph limit on interstates and similar highways, in one of 19 provisions of Federal law which threatens States with the loss of their badly needed highway funds. Repealing the national maximum speed limit will help to eliminate these unnecessary and unfair Federal penalties.

This bill will further empower States with the responsibility to make their own decisions with regard to speed limits. Such authority should not be imposed by the bureaucracy in Washington, DC, but instead should be regulated by the individual States who understand their own transportation needs and who know what restrictions are best-suited for their citizens. Following my statement, I request that the text of the bill be printed in the RECORD.

Thank you, Mr. President. We urge all Members to cosponsor this important measure.

There being no objection, the bill was ordered to be printed, in the RECORD, as follows:

S. 476

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. REPEAL OF NATIONAL MAXIMUM SPEED LIMIT.**

(a) IN GENERAL.—Section 154 of title 23, United States Code, is repealed.

(b) CONFORMING AMENDMENTS.—

(1) The analysis for chapter 1 of the title is amended by striking the item relating to section 154.

(2) Section 141 of the title is amended—

(A) by striking subsection (a);

(B) by designating subsections (b), (c), and (d) as subsections (a), (b), and (c), respectively; and

(C) in subsection (b) (as so redesignated), by striking “subsection (b)” each place it appears and inserting “subsection (a)”.

(3) Section 123(c)(3) of the Federal-Aid Highway Act of 1978 (Public Law 95-599; 23 U.S.C. 141 note) is amended by striking “section 141(b)” and inserting “section 141(a)”.

(4) Section 153(i)(2) of title 23, United States Code, is amended to read as follows:

“(2) MOTOR VEHICLE.—The term ‘motor vehicle’ means any vehicle driven or drawn by mechanical power manufactured primarily for use on public highways, except any vehicle operated exclusively on a rail or rails.”.

(5) Section 1029 of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240; 23 U.S.C. 154 note) is amended—

(A) by striking subsection (d); and

(B) by redesignating subsections (e), (f), and (g) as subsections (d), (e), and (f), respectively.

(6) Section 157(d) of title 23, United States Code, is amended by striking “154(f) or”.

(7) Section 410(i)(3) of the title is amended to read as follows:

“(3) MOTOR VEHICLE.—The term ‘motor vehicle’ means any vehicle driven or drawn by mechanical power manufactured primarily for use on public highways, except any vehicle operated exclusively on a rail or rails.”.

By Mr. KOHL (for himself and Mr. FEINGOLD):

S. 477. A bill to provide for the temporary suspension of the reformulated gasoline requirements under the Clean Air Act in States where bona fide health concerns have been raised until those concerns are appropriately addressed; to the Committee on Environment and Public Works.

TEMPORARY SUSPENSION OF REFORMULATED GASOLINE REQUIREMENTS

• Mr. KOHL. Mr. President, on January 1 of this year, the reformulated gasoline requirements under the Clean Air Act came into effect in southeastern Wisconsin, as well as other areas around the Nation. The purpose of the reformulated gasoline requirement is to facilitate the use of cleaner-burning fuels in the areas of the country that are experiencing the most severe air pollution problems.

In general, I have supported the use of reformulated gasoline as being one of the most cost-effective ways to address air pollution from mobile sources, such as automobiles. However earlier this month, citizens of southeastern Wisconsin began to experience difficulties with the new fuels. Problems have ranged from health concerns

to mechanical problems to reductions in fuel efficiency.

Most alarming to me are the health complaints that I have heard associated with the fumes from the reformulated gas, including nausea, itchy and burning eyes, shortness of breath, dizziness, and skin rashes.

I believe that the citizens of Wisconsin strongly support the overall goal of the Clean Air Act, which is to protect human health through improved air quality. But when people are becoming sick as a result of these requirements, it only makes sense to temporarily suspend the program in question, until the health concerns are adequately addressed.

On February 10 of this year, I called on EPA Administrator Carol Browner to suspend the reformulated gasoline program in Wisconsin until April 1, 1995, in order to allow citizens to purchase conventional gasoline while the health concerns associated with the reformulated fuels are being investigated. The Governor of Wisconsin had made the same request earlier that day.

On February 24, I finally received the response to the request that I had made. In short, I found the response to be very inadequate. EPA did not agree to provide the temporary suspension that we had request, but instead offered to work with the oil industry to make an unspecified alternative fuel available on a limited basis.

Because the EPA response to the matter does not address my concerns, I am offering legislation to require the suspension of reformulated gasoline requirements when bona fide health concerns are raised by a State where the requirements have been imposed.

The bill addresses the specific problem faced by Wisconsin, without affecting the reformulated gasoline program as implemented in other regions of the Nation. The bill also establishes a process whereby a task force of Federal health and environmental officials work with the affected State to investigate the specific health concerns, and report back to Congress about their findings. The task force would also make recommendations to Congress and the State about other fuel formulations that could be used in the State, without causing the health problems that led to the suspension. Once the concerns are addressed, the reformulated gasoline program would be reinstated.

Mr. President, it is not my intent to hinder the implementation of the Clean Air Act. But as I said when I supported passage of the Clean Air Act, my bottom line concern is the health of the citizens of Wisconsin. If people are getting sick, I believe that it is my responsibility to see that the health questions are addressing adequately. While I had hoped that such effort would have been handled administratively by EPA, the lack of action of the part of EPA has left no alternative but legislative action.

I ask unanimous consent that the full text of the bill be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 477

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SUSPENSION OF REFORMULATED GASOLINE RULES.**

Notwithstanding any other law, upon the certification by appropriate health officials of a State that bona fide health concerns have been raised with respect to the use of reformulated gasoline as required by rules issued by the Administrator of the Environmental Protection Agency to achieve the objectives of 211(k) of the Clean Air Act (42 U.S.C. 7545(k)), the Administrator shall suspend implementation of those rules in the State until the later of—

(1) April 1, 1995; or

(2) the date on which the Secretary of Health and Human Services and the Administrator of the Environmental Protection Agency, in conjunction with appropriate public health officials of the State, certify that the reformulated gasoline used to achieve the objectives of that section is not causing human health problems.

**SEC. 2. STUDY OF HEALTH EFFECTS OF REFORMULATED GASOLINE.**

The Secretary of Health and Human Services and the Administrator of the Environmental Protection Agency, in conjunction with appropriate public health officials of a State that has requested a suspension of rules under section 1, shall—

(1) investigate health complaints associated with use of reformulated gasoline in the State;

(2) report to Congress by April 1, 1995, on the result of the investigation; and

(3) include in the report recommendations for alternative formulations that will meet with requirements of section 211(k) of the Clean Air Act (42 U.S.C. 7545(k)) without causing the health problems reported in the State.●

By Mr. BREAU (for himself and Mr. CHAFEE):

S. 478. A bill to amend the Internal Revenue Code of 1986 to allow the taxable sale or use, without penalty, of dyed diesel fuel with respect to recreational boaters; to the Committee on Finance.

CORRECTION OF THE IMPLEMENTATION OF THE RECREATIONAL BOAT DIESEL FUEL TAX

• Mr. BREAU. Mr. President, I rise today to reintroduce legislation to clarify the implementation of a law that we adopted in 1993. One of the provisions included in the 1993 Budget Reconciliation Act removed the exemption from payment of the diesel fuel tax that recreational boaters previously had.

At the same time, the 1993 Budget Act modified the collection point for all of the fuel taxes and imposed fuel dyeing requirements. The combination of these two changes have made the implementation of the fuel tax a disaster creating a situation where many recreational boaters cannot find any fuel to pay tax on.

Under the 1993 changes, fuel that is subject to taxation is clear and fuel

that is exempt from taxation is dyed. The problem for boaters arises because most marinas have only one fuel tank, however, they provide fuel to both commercial and recreational boats. Commercial boat fuel is exempt from any tax and therefore commercial boat operators seek to purchase dyed fuel. Recreational fuel is taxable and recreational boaters want to purchase clear fuel. For those marina operators with only one fuel tank, they must decide if they will offer clear, taxable fuel for the recreational boaters or offer dyed tax-exempt fuel for the commercial boaters. Most marina operators in my State of Louisiana, find that their primary customer base is made up of commercial boaters and they are choosing to sell the dyed fuels. Thus, recreational boaters have no place to purchase the clear fuel.

Mr. President, this is a clear case of unintended consequences. The boaters are willing to pay the tax, they simply cannot find the place to buy the fuel and pay the tax. My bill is very simple. It modifies the collection process for diesel boating fuel. It allows marina operators to purchase dyed, exempt fuel and then collect the tax directly from recreational boaters and remit the tax to the Government directly.

Mr. President, I believe that this is a very simple solution to this very difficult problem. I urge the Senate to act on this important issue as soon as possible.●

#### ADDITIONAL COSPONSORS

S. 50

At the request of Mr. LOTT, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 50, a bill to repeal the increase in tax on social security benefits.

S. 262

At the request of Mr. GRASSLEY, the names of the Senator from Delaware [Mr. BIDEN] and the Senator from Missouri [Mr. BOND] were added as cosponsors of S. 262, a bill to amend the Internal Revenue Code of 1986 to increase and make permanent the deduction for health insurance costs of self-employed individuals.

S. 275

At the request of Mr. GRASSLEY, the name of the Senator from Pennsylvania [Mr. SANTORUM] was added as a cosponsor of S. 275, a bill to establish a temporary moratorium on the Interagency Memorandum of Agreement Concerning Wetlands Determinations until enactment of a law that is the successor to the Food, Agriculture, Conservation, and Trade Act of 1990, and for other purposes.

S. 325

At the request of Mr. THOMAS, the name of the Senator from Arizona [Mr. KYL] was added as a cosponsor of S. 325, a bill to make certain technical corrections in laws relating to Native Americans, and for other purposes.

S. 457

At the request of Mr. SIMON, the name of the Senator from Washington

[Mrs. MURRAY] was added as a cosponsor of S. 457, a bill to amend the Immigration and Nationality Act to update references in the classification of children for purposes of U.S. immigration laws.

#### SENATE CONCURRENT RESOLUTION 3

At the request of Mr. SIMON, the names of the Senator from Delaware [Mr. ROTH] and the Senator from Indiana [Mr. LUGAR] were added as cosponsors of Senate Concurrent Resolution 3, a concurrent resolution relative to Taiwan and the United Nations.

#### SENATE RESOLUTION 81—COM-MENDING ROBERT D. REISCHAUER FOR SERVICE TO CONGRESS AND THE NATION

Mr. DOMENICI (for himself, Mr. EXON, Mr. DOLE, Mr. DASCHLE, Mr. GRASSLEY, Mr. NICKLES, Mr. GRAMM, Mr. BOND, Mr. LOTT, Mr. BROWN, Mr. GORTON, Mr. GREGG, Ms. SNOWE, Mr. ABRAHAM, Mr. FRIST, Mr. HOLLINGS, Mr. JOHNSTON, Mr. LAUTENBERG, Mr. SIMON, Mr. CONRAD, Mr. DODD, Mr. SARBANES, Mrs. BOXER, Mrs. MURRAY, Mr. HATFIELD, and Mr. PACKWOOD) submitted the following resolution, which was considered and agreed to:

#### S. RES. 81

Whereas Dr. Robert D. Reischauer served as Director of the Congressional Budget Office from March 6, 1989 to February 28, 1995;

Whereas he previously served in that office in its formative years from February 28, 1975 to April 1, 1981 as a Special Assistant, Assistant Director, and Deputy Director;

Whereas he has ably and faithfully performed the difficult duties of the Director's office serving all Members of the Congress with great professional integrity and dedication;

Whereas he has maintained the high tradition of that office by providing critical analysis and review of complex fiscal policy issues pending before the Congress;

Whereas he has provided the Congress and the American public with analysis of these complex fiscal policy issues with candor, objectivity, and clarity;

Whereas he has performed the duties of his office with remarkable diligence, perseverance, and intelligence often at great sacrifice to his personal life; and

Whereas he has earned the respect, affection, and esteem of the United States Senate: Now, therefore, be it

*Resolved*, That the Senate of the United States commends Robert D. Reischauer for his long, faithful, and exemplary service to his country and to the Senate.

#### NOTICES OF HEARINGS

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the full Committee on Energy and Natural Resources on domestic petroleum production and international supply.

The hearing will take place on Wednesday, March 8 at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

Those wishing to testify or who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Howard Useem or Judy Brown at (202) 224-6567.

#### ADDITIONAL STATEMENTS

#### NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, REGARDING EDUCATIONAL TRAVEL

● Mr. BRYAN. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee received notification under rule 35 for David Podoff to participate in a program in the Netherlands sponsored by the State Department and the Netherlands Government.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Podoff in this program.

The select committee received notification under rule 35 for Senator KAY BAILEY HUTCHISON to participate in a program in Davos, Switzerland, sponsored by the World Economic Forum Foundation from January 27 to 29, 1995.

The committee determined that no Federal statute or Senate rule would prohibit participation by Senator HUTCHISON in this program.

The select committee received notification under rule 35 for Amy Dunathan, a member of the staff of Senator CHAFEE, to participate in a program in Taiwan sponsored by Tamkang University from January 10 to 16, 1995.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Dunathan in this program.

The select committee received notification under rule 35 for Bernadine Abbott Hoduski, a member of the staff of Senator FORD, to participate in a program in Africa, sponsored by the International Federal of Library Associations and Institutions [IFLA], from December 15 to 18, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Hoduski in this program.

The select committee received notification under rule 35 for Jay C. Ghazal, a member of the staff of Senator PELL, to participate in a program in Korea